

Application Serial No. 10/643,386  
Amendment dated April 19, 2005  
Reply to Office Action dated January 19, 2005

**REMARKS/ARGUMENTS**

The preceding amendments and following remarks are submitted in response to the non-final Office Action mailed January 19, 2005. With this Amendment, claim 60 has been amended, and claims 62-72 have been added. Claims 35 and 58-72 remain pending in the Application. Reconsideration, examination and allowance of all pending claims are respectfully requested.

**35 U.S.C. § 103(a) Rejections**

On page 3 of the Office Action, the Examiner rejected claims 35, 57, 59 and 61 under 35 U.S.C. § 103(a) as being unpatentable over *Kline et al.* (U.S. Patent No. 6,241,156) in view of *Alles* (U.S. Patent Pub. No. 2004/0182941).

Although Applicants respectfully disagree with the Examiner's rejection, Applicants submit herewith a Declaration Under 37 C.F.R. § 1.131 antedating the filing date of the *Alles* reference cited by the Examiner. The *Alles* reference cited by the Examiner has an effective filing date of March 21, 2003. The enclosed Declaration Under 37 C.F.R. § 1.131, signed by all of the inventors, establishes completion of the invention prior to the critical date of the *Alles* publication. Attached to the Declaration are two invention disclosure documents corroborating completion of the claimed invention prior to the effective filing date of *Alles*. Based on the Declaration and attached Exhibits, Applicants respectfully assert that the Examiner's rejection of claims 35, 57, 59, and 61 under 35 U.S.C. § 103(a) should be withdrawn. Consequently, Applicants respectfully assert that claims 35, 57, 59, and 61 are in condition for allowance.

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On page 3 of the Office Action, the Examiner further rejected claims 58 and 60 under 35 U.S.C. § 103(a) as being unpatentable over *Kline et al.* (U.S. Patent No. 6,241,156) in view of *Mehaffey et al.* (U.S. Patent No. 6,233,954). The Examiner states that the *Kline et al.* reference teaches all aspects of these claims except transferring configurations from one air management system to another. The Examiner states, however, that the *Mehaffey et al.* reference teaches the concept of transferring information among different air management controllers. According to the Examiner, it is a simple step to combine the concept of transferring information among different computers as taught by *Mehaffey et al.* with the system of *Kline et al.* for the purpose of integrating the systems to provide greater overall efficiency.

Applicants respectfully disagree that claim 58 and amended claim 60 are obvious in view of the *Kline et al.* and *Mehaffey et al.* references. The *Mehaffey et al.* reference cited by the Examiner suggests a compressor system (30) including a number of compressors (32a-32d) each of which can be monitored using a respective local compressor controller (34a-34f) connected together in a daisy-chain configuration via a wire 44. *Mehaffey et al.* disclose that in controlling each of the local controllers (34a-34f) for sequencing the compressors (32a-32d), a lead compressor unit can be configured to transmit load and unload commands to a number of lower-ranked (*i.e.* slave) compressor units. During operation of the system (30), the lead compressor unit collects status information from the slave compressor units and uses that information to control the system pressure over a single pressure band.

To establish a *prima facie* case of obviousness, all of the claim limitations must be taught or suggested by the prior art. See MPEP at § 2143.03. Moreover, there must be a suggestion or

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motivation in the prior art reference to modify the reference or combine the teachings with the knowledge available to one of ordinary skill in the art. *See Id.* at § 2142. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art suggests the desirability of the combination. *See In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990).

In discussing the configuration of the slave compressor units, *Mehaffey et al.* specifically distinguish their system from those employing external devices for providing configuration information to the system. Column 4, lines 13-26 of *Mehaffey et al.*, for example, provides:

FIG. 2 shows a compressor system 30 in accordance with preferred embodiments of the present invention. *The system is designed to sequence air compressors, preferably over a single pressure band, without using an external device or controller.* The sequencing logic is stored in the memory of the local controller of each air compressor. A unique feature of the present invention is that the highest ranked compressor (the lead unit) makes all of the loading and unloading decisions for the compressor system 30. The highest ranked compressor transmits load and unload commands to all of the other lower ranked compressors (slave units). *This method is significantly different than prior art systems that have an external controller or that have the respective slave units evaluate their own discharge pressures for making loading and unloading decisions.*

(emphasis added). As can be seen above, *Mehaffey et al.* appears to suggest using a lead compressor unit and not an external device to configure and/or control the other slave compressor units. Indeed, *Mehaffey et al.* appears to teach away from the use of such devices, stating that such devices would add significant cost and complexity to the air compression system. *See Id.* at col. 2, lines 8-15.


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Since *Mehaffey et al.* appears to teach away from the use of a portable configuring apparatus connected to each air management system of a plurality of air management systems, Applicants respectfully assert that there would have been no motivation to combine that reference with what is taught in *Kline et al.* to arrive at the invention of claims 58 and 60. Instead, and as discussed above, the *Mehaffey et al.* reference appears to suggest that it would not be desirable to use an external device to configure each of the compressor units, stating that such use would add to the cost and complexity of the system. Thus, since there is no motivation to combine references, Applicants respectfully assert that claims 58 and 60 are also in condition for allowance.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that the claims are now in condition for allowance, issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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